

CITY COUNCIL PROCEEDINGS

Tuesday, October 4, 2011

6:00 p.m.

1. CALL TO ORDER AND ROLL CALL

Mayor Osborne called the regular October 4, 2011 City Council meeting to order at 6:00 p.m. in Council Chambers.

Those present were: Mayor Osborne, Deputy Mayor Wilson and Council Members Ageton, Appelbaum, Becker, Cowles, Gray, Karakehian and Morzel.

2. OPEN COMMENT and COUNCIL/STAFF RESPONSE – 6:02 p.m.

1. Gail Promboin spoke in opposition to the Housing First project. She noted it was a good project but in the wrong place and would be excessive concentration in north Boulder. She urged more Council and public participation.
2. Sophie Chen with Summit's Net Zero club urged Council to place a ban or fee on plastic bag use.
3. Carol Affleck spoke to the Valmont Butte clean-up and urged Council to convene a stakeholder group to address some of the outstanding issues associated with the site. Excavation of a 300 foot area near the cemetery was of particular concern as there were unmarked graves in the area. She urged ground penetrating radar be conducted along the site. She also suggested signs be posted during the clean up to address health concerns.
4. Hugh Walton spoke to the proposed housing project on Lee Hill and criticized the Boulder Housing Partners approach in limiting the involvement of north Boulder residents. He commented that this was an inappropriate location.
5. Kira Headrick with the Fairview Net Zero club urged a fee or ban on disposable bags in Boulder.
6. Vivian Chen with the Fairview Net Zero club also urged a ban on plastic bags and a fee on disposable paper bag use in Boulder.
7. Seth Brigham supported speakers that were opposed to the concentration of homeless housing in north Boulder. He urged the public to vote in favor of public interest and support Tim Plass, Suzanne Jones, and Mark Gelband in the upcoming election.
8. Martin Hammer with the North Boulder Alliance also opposed the location of homeless transitional housing in north Boulder.
9. Richard Demuth raised concern about being suspended from the Library by the Library Director and commented he would file a civil suit.
10. Stephen Keenan spoke to his support for Dan King as a candidate and suggested Council utilize caution with municipalization and not purchase a bunch of outdated poles and wires.

11. Kathy Boyes pooling time with Karie Koplar and Todd Bryan and speaking on behalf of the North Boulder Alliance strongly urged Council to ask Boulder Housing Partners to revisit the north Boulder location for homeless transitional housing.
12. Peter Richards raised concern about the Council meeting agendas not being posted in the News From City Hall section of the Daily Camera.
13. Christopher Lundy spoke to the Valmont Butte and urged Council to utilize the money in the most advantageous way possible.

City Manager Response:

City Manager Brautigam commented that Boulder Housing Partners (BHP) had postponed submission of its conditional use review until 2012 and staff had been researching various issues raised during public feedback opportunities. She noted the Council Agenda Committee would be scheduling a discussion of the matter sometime in December.

City Council Response:

Council Member Gray asked what a code change would look like so there would be something in the conditional use to address impacts.

Council Member Appelbaum agreed with Council Member Gray's comments. The process and specifics of the project both needed to be addressed.

Council Member Ageton, as the Boulder Housing Partners liaison on Council, stated that BHP would be conducting more public outreach. There was also a regularly scheduled meeting next Monday with BHP and she would report back to Council if anything different or new was discussed.

Council Member Morzel suggested it was time to look at the North Boulder Subcommunity Plan as the area was hitting a tipping point in terms of affordable housing and there needed to be more amenities in north Boulder such as a library and retail. She also suggested a moratorium on building projects in north Boulder until a larger discussion could take place.

Council Member Becker asked how impacts would be measured and noted that Housing and Human Services Director Karen Rahn was working on that. She echoed concerns of other members and wanted to understand more about what role Council could play in the decision making process on the matter.

Deputy Mayor Wilson asked if BHP was limited to projects within the City of Boulder or whether they could go County wide. Staff responded their projects were limited to the City of Boulder.

Mayor Osborne agreed with Council Member Morzel that the issue wasn't just around transitional housing but related to other amenities in north Boulder.

Council Member Karakehian expressed support for BHP slowing the process down and thanked the public for coming to speak.

Council Member Gray thanked Mayor Osborne and Council Member Ageton and recognized them for raising concern about the community process with BHP.

Council Member Gray noted Council would be discussing the Zero Waste Master Plan on October 11, 2011 at a study session and she urged students to attend but noted there would be no public comment opportunity at the study session.

Council also briefly addressed Mr. Richards' comments about the News From City Hall Ad and suggested staff look into his request for listing the agenda more clearly in the newspaper.

3. **CONSENT AGENDA: - 7:05 p.m.**

- A. **CONSIDERATION OF A MOTION TO APPROVE THE SEPTEMBER 6, 2011 CITY COUNCIL MEETING MINUTES.**
- B. **CONSIDERATION OF A MOTION TO ACCEPT THE SUMMARY OF THE AUGUST 23, 2011 STUDY SESSION ON THE UPDATE ON SMARTREGS IMPLEMENTATION AND RENTAL HOUSING LICENSING ENFORCEMENT.**
- C. **CONSIDERATION OF A MOTION TO ACCEPT THE SUMMARY OF THE SEPTEMBER 13, 2011 STUDY SESSION ON THE 2012 RECOMMENDED BUDGET.**
- D. **CONSIDERATION OF A MOTION TO APPROVE A 20-YEAR LEASE OF CITY-OWNED LAND TO PUBLIC SERVICE COMPANY OF COLORADO (XCEL ENERGY) FOR THE LOCATION OF UNDERGROUND UTILITIES ADJACENT TO PEARL PARKWAY ON A PARCEL OF LAND THAT IS LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF 30TH STREET AND PEARL PARKWAY RIGHT-OF WAY.**
- E. **SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7816 REPEALING AND RE-ENACTING SECTION 11-1-19, "WATER AND DITCH RIGHTS," B.R.C. 1981, TO ADDRESS AGREEMENTS FOR RIGHT OF FIRST REFUSAL, PURCHASE AND SALE OF WATER OR DITCH RIGHTS AND RESULTING ADJUSTMENT OF WATER BUDGET.**

Council member Wilson moved, seconded by Cowles to approve Consent Items 3A through 3E with substitute language provided by the City Attorney's office on the pink handout for Ordinance No. 7816. – There was no vote on the motion.

Council member Appelbaum pulled Item 3E from the consent agenda for further discussion.

Council Member Gray moved, seconded by Appelbaum to approve consent items 3A through 3D with item 3E removed from the consent agenda. The motion carried unanimously 8:0; Becker absent.

4. **POTENTIAL CALL- UP CHECK IN: - 7:08 p.m.**

No interest was expressed.

ORDER OF BUSINESS

5. **PUBLIC HEARINGS: - 7:09 p.m.**

A. CONSIDERATION OF THE FOLLOWING ITEMS RELATING TO THE 2012 BUDGET:

1. **PUBLIC HEARING ON THE PROPOSED 2012 CITY OF BOULDER BUDGET;
AND**
2. **INTRODUCTION, FIRST READING, AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY AN ORDINANCE THAT ADOPTS A BUDGET FOR THE CITY OF BOULDER, COLORADO, FOR THE FISCAL YEAR COMMENCING ON THE FIRST DAY OF JANUARY 2012 AND ENDING ON THE LAST DAY OF DECEMBER 2012, AND SETTING FORTH DETAILS IN RELATION THERETO; AND**
3. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY AN ORDINANCE THAT ESTABLISHES THE 2011 CITY OF BOULDER PROPERTY TAX MILL LEVIES WHICH ARE TO BE COLLECTED BY THE COUNTY OF BOULDER, STATE OF COLORADO, WITHIN THE CITY OF BOULDER IN 2012 FOR PAYMENT OF EXPENDITURES BY THE CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, AND SETTING FORTH DETAILS IN RELATION THERETO; AND**
4. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY AN ORDINANCE THAT APPROPRIATES MONEY TO DEFRAY EXPENSES AND LIABILITIES OF THE CITY OF BOULDER, COLORADO, FOR THE 2012 FISCAL YEAR OF THE CITY OF BOULDER, COMMENCING ON THE FIRST DAY OF JANUARY 2012, AND ENDING ON THE LAST DAY OF DECEMBER 2012, AND SETTING FORTH DETAILS IN RELATION THERETO; AND**
5. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY AN ORDINANCE, THAT AMENDS CHAPTERS 2-6, 3-9 AND 4-20 B.R.C. 1981 CHANGING CERTAIN FEES AND**

SETTING FORTH DETAILS IN RELATION THERETO.

City Manager Brautigam introduced the item. Budget Director Eric Nickell provided a high level overview of the operating and capital budgets. He noted that expenditures were going up citywide 3.4% and that revenues were increasing by 3.1% compared to last year. Both sales property tax revenues would be carefully monitored between now and year-end.

City Manager Brautigam noted that a new compensation structure and employee cost sharing of healthcare costs were prioritized during the past year to better manage personnel expenditures. As one example of adopting new organizational efficiencies, code enforcement was shifted to the Police Department. She also highlighted areas impacting the 2012 budget such as the West Trail Study Area, Community Planning and Sustainability, the City Attorney's Office and Boulder's Energy Future. These areas specifically required increased resources in the 2012 Recommended Budget. The proposed changes would result in a net increase of 12 FTEs, of which 6 are fixed-term and are a combination of new budget resources and existing program reallocations. All of the specific budget changes since September 1 are listed in Attachment C of the memo. Second reading of the budget and a second public hearing would occur on October 18, 2011. If needed, a third reading of the budget would occur on October 31, 2011.

The public hearing was opened:

1. Christopher Lundy spoke to the health of the General Fund and whether higher fees would be helpful in reducing the burden placed on the General Fund by special funds.

There being no further speakers the public hearing was closed.

Council Member Becker moved, seconded by Appelbaum to:

- 1) Introduce and order published by title only, Ordinance No. 7817 that adopts a budget for the City of Boulder, Colorado, for the fiscal year commencing on the first day of January 2012 and ending on the last day of December 2012, and setting forth details in relation thereto; and
2. Introduce and order published by title only, Ordinance No. 7818 that establishes the 2011 City of Boulder property tax mill levies which are to be collected by the County of Boulder, State of Colorado, within the City of Boulder in 2012 for payment of expenditures by the City of Boulder, County of Boulder, State of Colorado, and setting forth details in relation thereto; and
3. Introduce and order published by title only Ordinance No. 7819 that appropriates money to defray expenses and liabilities of the City of Boulder, Colorado, for the 2012 fiscal year of the City of Boulder, commencing on the first day of January 2012, and ending on the last day of December 2012, and setting forth details in relation thereto; and
4. Introduce and order published by title only Ordinance No. 7820 that amends Chapters 2-6, 3-9 and 4-20 B.R.C. 1981 changing certain fees and setting forth details in relation thereto.

Council Member Appelbaum commented that he was happy to support the budget; it was well thought out and the priority based budgeting was starting to pay off. He suggested that the City remove its support of the Chamber of Commerce due to its support of specific candidates and issues, a practice that seemed inappropriate. This year was the first in which the Chamber had taken a position on City Council candidates.

Council Member Appelbaum offered an amendment, seconded by Cowles to eliminate the funds for the city's membership in the Chamber of Commerce.

Council Member Gray agreed with Council Member Appelbaum and noted several years back a similar situation occurred with the Boulder Economic Council. She would like the City Manager to return later with a recommendation to either put those funds toward the Economic Vitality program, legislative liaison program or Boulder Economic Council and use it to support businesses such as the Federal Labs.

Council Member Appelbaum suggested the amendment would require a third reading and as it was a small amount, perhaps instead the funding could go into the City Manager's contingency fund. Council Member Gray agreed.

City Attorney Carr clarified that this was an ethical issue but he did not see a first amendment problem. The City could fund the Chamber but could ethically choose not to fund an organization that would support candidates during the election.

City Manager Brautigam noted the practical impact to eliminating Chamber of Commerce funds was hard to determine. The City would continue to support the Chamber's goals and work alongside them. Discontinuing the city's membership could limit the city's ability to participate on committees, however she stated that the Chamber would likely remain committed to working with the city.

Council Member Ageton asked how other city's handled this issue related to membership with their Chambers. This information was not available but in the City Manager's experience, Chambers of Commerce in other locations did not endorse candidates.

Council Member Gray commented it was still in the budget to support the Boulder Economic Council but clarified that the BEC was a separate entity from the Chamber.

Deputy Mayor Wilson commented that as a Council Member being endorsed by the Chamber he felt he should recuse himself from the vote and raised concern about the timing of the matter coming up. He agreed to recuse himself from the vote on the amendment to Ordinance No. 7817.

Council Member Karakehian and Morzel also recused from the amendment to Ordinance No. 7817.

Council Member Ageton agreed the timing was awkward. She recalled that one other organization on the list had endorsed candidates in the past. She wondered if there was enough

information to act in an appropriate, fair and equitable manner. She noted the budget could be amended on second reading after further information was provided.

Mayor Osborne noted what could be done this evening was establish a policy and felt it was a good one. She would support the motion.

City Manager Brautigam noted that a supplemental could be brought back at a later time. She confirmed that research was done to verify whether organizations were supporting candidates this year or in any of the past three years.

Council Member Ageton stated that she would not support the amendment. She was comfortable with the policy but not the procedure in doing it.

Vote was taken on the amendment to Ordinance No. 7817 to eliminate the funds for the city's membership in the Chamber of Commerce. The motion carried 5:1; Ageton opposed and Council Members Wilson, Karakehian and Morzel recused. – 7:57 p.m.

Vote was taken on the main motion to:

1. Introduce and order published by title only, Ordinance No. 7817, as amended, that adopts a budget for the City of Boulder, Colorado, for the fiscal year commencing on the first day of January 2012 and ending on the last day of December 2012, and setting forth details in relation thereto; and
2. Introduce and order published by title only, Ordinance No. 7818 that establishes the 2011 City of Boulder property tax mill levies which are to be collected by the County of Boulder, State of Colorado, within the City of Boulder in 2012 for payment of expenditures by the City of Boulder, County of Boulder, State of Colorado, and setting forth details in relation thereto; and
3. Introduce and order published by title only Ordinance No. 7819 that appropriates money to defray expenses and liabilities of the City of Boulder, Colorado, for the 2012 fiscal year of the City of Boulder, commencing on the first day of January 2012, and ending on the last day of December 2012, and setting forth details in relation thereto; and
4. Introduce and order published by title only Ordinance No. 7820 that amends Chapters 2-6, 3-9 and 4-20 B.R.C. 1981 changing certain fees and setting forth details in relation thereto.

The motion carried unanimously, 9:0 at 8:00 p.m.

B. CONSIDERATION OF A MOTION TO AUTHORIZE THE CITY MANAGER TO DISBURSE \$960,292 OF THE CITY'S EDUCATION EXCISE TAX REVENUE TO SUPPORT THE PURCHASE OF A PROPERTY FOR THE WILDERNESS PLACE PROJECT, A CENTER TO PROVIDE COMPREHENSIVE SERVICES RELATED TO EARLY CHILDHOOD AND, IN CONNECTION THERETO, TO ENTER INTO A SHARED APPRECIATION LOAN AGREEMENT TO SECURE THE CITY'S

INVESTMENT IN THAT PROJECT. – 8:01 P.M.

Karen Rahn and Carl Castillo provided the presentation on the item. Mr. Castillo provided some background on the project and process. He noted the EET funds would be paid back in full if the property value increased and if the building was no longer being used for the program it was approved for. Before the city would disburse funds, it would still require additional information to substantiate that there were sufficient funds to move the project forward.

Matt Eldred, Executive Director of the Acorn School, spoke to the various partners involved in the Wilderness Place Project that would address an important, unmet community need. This was a comprehensive, collaborative project and he urged Council to support the project moving forward.

A member of the Board of Directors with the Acorn School also spoke in support of the Wilderness Place project and thought it capitalized on timely funding. She was committed to the success of the endeavor and thanked Council for its support.

Karen Rahn indicated staff had reviewed the analysis and found the financial plan sound and would meet important needs in the community (including closing achievement gaps). Other health and family support services would be a valuable part of the services provided by the project.

Council Member Becker asked why the project required disbursement of funds on or before December 31st. Mr. Eldred noted it was more for the closing of the building, scheduled for December 8, so some portion of the funds would be necessary at that time. EET funds would primarily be used for purchase of the building and other financing would cover the renovations. Mr. Castillo clarified if feasibility was not shown by December 31, the city would not be obligated to disburse funds. A scope of service would also be included as part of the contract.

Mayor Osborne asked Council Members Gray and Morzel, members of the School Issues Committee, if they had comments to add to the discussion.

Council Member Gray commented that this began as part of the social sustainability initiative and provided some background context.

Council Member Morzel expressed that she was excited to work on this project, starting with Mapleton, and was able to do a tour of the Acorn School.

Council Member Karakehian complemented Matt Eldred and his associates and was impressed with his professionalism in bringing the project forward.

Council Member Ageton asked about assurances of other funds or the sequence of funding and what back up plans were in place.

Mr. Eldred responded that award letters were anticipated by November 16, 2011 which was

part of the financing plan needed to purchase the building. December 8 was the closing date. If the award letters were not available, the closing could be delayed or stopped. As a back up, they were meeting with banks and lending institutions and were told they would be able to finance what was needed at closing to bridge the gap without one or two of the funding sources. It was up to their board as to the total dollar amount they would finance if necessary.

Council Member Gray suggested she might see if there was council support after the project closed to approve additional EET funding for a playground or other outside renovations.

The public hearing was opened at 8:43 p.m.:

1. Robin Bohannon, Director of Boulder County Community Services, commented that poverty indicators had worsened in Boulder County to almost double. She noted the County would be assisting with this project and urged Council to support the item moving forward.
2. Dee Andrews, former parent of daughters who attended the Acorn School and past Board Chair, spoke in support of early childhood education and specifically the Wilderness Place project.
3. Andy Schultheiss also spoke in support of the Wilderness Place Project and as a parent of two students at Acorn School, was amazed at how much the school was able to accomplish. He felt the location was perfect for the right population. Acorn's record for success was unparalleled. He also noted, on behalf of Congressman Polis, they supported the project.
4. Barton Swanson spoke to his concerns that Council would be providing funding to his business competitors but commented that after listening to the discussion this evening he thought perhaps his opposition to the item might not be as strong.
5. Commissioner Will Toor thanked Council for considering the item and wanted to celebrate the partnership between the City and County for trying to meet the needs of the community for early childhood care and education. While the County supported the project, it had not made a formal decision. He suggested it was highly likely the Commissioners would support funding the project.
6. Christopher Lundy raised concern that the school operate within the standards of the state since it would be subsidized by the taxpayers.

There being no further speakers the public hearing was closed at 9:01 p.m.

Council Member Morzel moved, seconded by Gray to authorize the City Manager to disburse \$960,292 of the city's education excise tax revenue to support the purchase of a property for the Wilderness Place Project, a center to provide comprehensive services related to early childhood and, in connection thereto, to enter into a shared appreciation loan agreement to secure the city's investment in that project.

Council Member Gray asked why the School Issues Committee had recommended only the \$962,292 and not the full EET amount available.

Council Member Karakehian suggested that Council stay with what dollar amount was studied as there could be other potential uses for additional EET funds. Leaving the door open for other

projects that may be part of this project could be considered later.

Council Member Morzel commented it was important to see demonstration of contributed funds by other non-profits prior to committing more EET funds. The remaining \$225,000 was just identified and approximately another \$600,000 could be coming and could be utilized for other valuable projects.

Council Member Becker expressed concern that she would like to see the obligation to pay back the city also triggered by a change in the scope of services.

Vote was taken on the motion to authorize the City Manager to disburse \$960,292 of the city's education excise tax revenue to support the purchase of a property for the Wilderness Place Project, a center to provide comprehensive services related to early childhood and, in connection thereto, to enter into a shared appreciation loan agreement to secure the city's investment in that project. The motion carried unanimously 9:0 at 9:12 p.m.

**** Item 3E, Water & Ditch Rights, which was removed from the Consent Agenda was considered at this time: 9:12 p.m.****

Council Member Appelbaum asked what the practical implications were of making the changes proposed by Deputy Mayor Wilson (and suggested via Bill DeOreo).

City Attorney Tom Carr explained the changes noting that the language suggested by Mr. DeOreo would allow the city to exercise a right of first refusal and lease water rights back to the landowner but the change would expand, not require, the city's ability to lease water back to other users in the city, thus preserving the historic nature of ditches in the city.

Ned Williams explained the other change related to water budgets. He noted the hypothetical example would be if a property owner on a water budget who was using some treated water to irrigate an adjacent property that did not have city treated water and no water budget. The property owner might be able to purchase ditch water to use on the adjacent property and not have their water budget on their specific property reduced. He could not think of a situation like this currently occurring. He noted that the Water Resources Advisory Board had not reviewed the proposed changes. Four WRAB members had supported the initial proposal with one member absent. These changes represented thoughts Mr. DeOreo had subsequent to the WRAB meeting. Mr. Williams was fine with the changes and commented that the changes would put into the ordinance a practice that was already administered but not codified.

Council Member Appelbaum commented that he would be more comfortable without the changes until the WRAB could look at it or if it were optional (something the city could choose to do instead of automatic).

Council Member Ageton asked if there were timing concerns and whether this could go back to WRAB. City Attorney Carr noted the ordinance was originally written to address a settlement in 2009 (Silver Lake Ditch & Reservoir Company) and there was no actual deadline, however, it would be nice to get the ordinance completed.

There being no speakers the public hearing was closed at 9:24 p.m.:

Council Member Morzel moved, seconded by Wilson to approve Ordinance No. 7816 as amended to substitute language in the pink handout provided by the City Attorney's office. The motion carried 8:1; Appelbaum opposed. Third Reading of the ordinance required.

6. **MATTERS FROM THE CITY MANAGER: - 9:26 p.m.**

None.

7. **MATTERS FROM THE CITY ATTORNEY: - 9:26 p.m.**

A. **CONSIDERATION OF A MOTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SETTLEMENT AGREEMENT IN THE LITIGATION BROUGHT AGAINST THE CITY AND ITS EMPLOYEES BY SYLVIA ASTEN.**

City Attorney Tom Carr explained that officers acted appropriately in this case and the settlement was a business decision based on the costs of going to trial.

Council Member Morzel moved, seconded by Wilson to authorize the City Manager to enter into a settlement agreement in the litigation brought against the City and its employees by Sylvia Asten.

B. **CONSIDERATION OF A MOTION AUTHORIZING THE CITY MANAGER TO ENTER INTO SETTLEMENT AGREEMENTS IN THE DISPUTES WITH HONEYWELL INTERNATIONAL, INC. AND TUSCO, INC. FOR THEIR ROLES IN THE ENVIRONMENTAL REMEDIATION EFFORTS ON THE VALMONT BUTTE PROPERTY. – 9:29 P.M.**

David Gehr provided an overview of the item and noted that the city had completed a comprehensive environmental review process of the site. Staff had developed a rehabilitation plan which included a cap over the tailing pond and rock barrier to assist in environmental protection. Securing contributions from those responsible for milling on the property had resulted in the settlements Council was being asked to authorize.

Council Member Ageton moved, seconded by Appelbaum to authorize the City Manager to enter into settlement agreements in the disputes with Honeywell International, Inc. and Tusco, Inc. and the EPA for their roles in the environmental remediation efforts on the Valmont Butte property.

8. **MATTERS FROM MAYOR AND MEMBERS OF COUNCIL:**

A. **POTENTIAL CALL-UPS:**

1. **FINAL PLAT APPROVAL FOR 1215 CEDAR (WASHINGTON VILLAGE),**

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**(#TEC2011-00014). INFORMATION PACKET DATE, SEPTEMBER 28, 2011.
LAST OPPORTUNITY FOR CALL-UP IS OCTOBER 4, 2011. PLANNING
BOARD APPROVAL 5-0 WITH W. JOHNSON AND D. POWELL ABSENT)**

No action was taken on this item.

B. US 36 UPDATE.

Mayor Osborne introduced the item and spoke about a trip to Los Angeles in June for a transit tour highlighting the Metroliner, hot lanes and express lanes. Further defining "what is bus rapid transit" and aligning municipalities throughout the region had been a focus.

Tracy Winfree then commented that L.A. had been doing some very interesting things around transit and the group had toured various elements in L.A. The tour assisted in unifying the vision for US 36 bus rapid transit, solidified and established relationships and provided lessons learned for implementation. It also highlighted potential trade offs for consideration. She spoke to the various vehicles, which were more efficient, as well as more efficient fare collection. Branding and marketing were also highlighted. Finally, Ms. Winfree discussed Phase 1 US 36 project, which is funded and would build a managed lane and bikeway to Interlocken and open in summer 2015. Phase 2 of the project is possible, although the degree of probability is uncertain. Phase 2 would extend the improvements to Boulder. The goals of the project, as stated by CDOT, included enhancing mobility, supporting modal choice, and supporting local government collaboration among others. If all went well and a funding strategy materialized, it was possible that Phase 2 would also be completed by summer 2015.

9. PUBLIC COMMENT ON MATTERS:

1. Richard Demuth mentioned a hill on an empty lot on Valmont.

Council Member Ageton moved, seconded by Appelbaum to suspend the rules and continue the meeting at 10:32 p.m. The motion carried 7:1; Karakehian opposed, Becker absent.

10. FINAL DECISIONS ON MATTERS:


Vote was taken on the motion to authorize the City Manager to enter into a settlement agreement in the litigation brought against the City and its employees by Sylvia Asten. The motion carried 8:0; Becker absent.

Vote was taken on the motion to authorize the City Manager to enter into settlement agreements in the disputes with Honeywell International, Inc. and Tusco, Inc. for their roles in the environmental remediation efforts on the Valmont Butte property. The motion carried 8:0; Becker absent. 10:34 p.m.

11. ADJOURNMENT

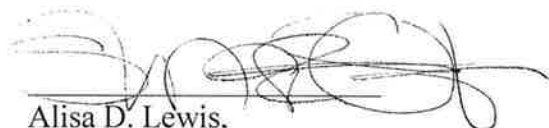
There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 10:34 P.M.

APPROVED BY:

A handwritten signature in black ink, appearing to read "Susan Osborne", written over a horizontal line.

Susan Osborne,
Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Alisa D. Lewis", written over a horizontal line.

Alisa D. Lewis,
City Clerk

October 4, 2011